CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

APRIL 17, 2007

INVOCATION:
Pastor David Brogren of Heritage Evangelical Presbyterian Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Patino lead the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Administrative Services Snodgrass, Fire Chief Ortiz, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, Police Chief Macagni, Planner III Shipsey, and Chief Deputy City Clerk Perez.

PROCLAMATION – KCOY SPRING FOOD DRIVE
Mayor Lavagnino read a proclamation declaring April 23 – May 23, 2007, as KCOY's Spring Food Drive in the City of Santa Maria and encouraging all residents to participate by collecting cans of food for donation to the Santa Barbara County Foodbank. The proclamation was accepted by Kerry Main Aller of the Santa Barbara County Foodbank and Nerissa Sugars from KCOY.

PROCLAMATION – RED HAT SOCIETY DAY
Councilmember Patino read a proclamation declaring April 18, 2007, as International Red Hat Society Day in the City of Santa Maria and encouraging the residents to pay due respect to all of the Red Hatters on their special day. The proclamation was accepted by Carol Strubel.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Roy F. Jones, the April Recreation and Parks Volunteer of the Month, for his dedication of time and effort as President of the Pool Room Committee, teaching beginning bridge, and as Chair of the Nominating Committee for the Santa Maria Valley Senior Club at the Mussell Senior Center.

PROCLAMATION – CERT CLASS
Councilmember Zacarías read a proclamation commending and congratulating the 32 graduates of the 28-hour Community Emergency Response Team (CERT) Training sponsored by the Fire Department for their commitment to our community through their participation in the CERT Training. The proclamation was accepted by Fire Prevention Inspector Gidlund.

Inspector Gidlund then presented Certificates of Completion to each of the CERT class graduates.

PUBLIC COMMENT
Joan Leon spoke regarding installing solar panels on the roof of the new library or wiring it for installation of solar panels in the future.

Pedro Paez Navarro, Abraham Garcia, Jesus Estrada and Jose Ochoa all spoke about the critical need for housing for low-income families and asked the City to work with them to find a solution to the housing problem.

CONSENT CALENDAR
Councilmember Zacarías requested Item 3F be pulled for comment. Councilmember Patino requested Item 3J be pulled for comment. Mayor Lavagnino requested Item 3E be pulled for comment.

Item 3E – Entertainment License for Los Tres Amigos Herrera
Mayor Lavagnino asked if this was the same owner the City received complaints about a year ago. He asked if the Chief of Police was satisfied that with the restrictions, there would not be those same kinds of problems in the future.

Police Chief Macagni replied that it was the same owner, and they were hoping this Entertainment License would help with the problems.

Item 3F – Commercial Façade Rebate/Loan Program
Councilmember Zacarías stated she did not have the benefit of being on the Council when the program was approved in 1999. She was excited to read about the expansion of the program which provides a rebate of up to $5,000 for store owners to make their stores look nicer. She said she hoped the City could use it as a tool to encourage both English and Spanish speaking store owners to enhance their store fronts.

Item 3J – No Stopping Zones on Miller Street
Councilmember Patino commented that she was contacted because there was a problem in that area. When the homes were built the driveways were too close together; and when people park in between driveways, there is not enough room. It has impacted the neighborhood. The no stopping zones should take care of the problem.

Consent Calendar Items A through K were approved on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of April 3, 2007, were approved as submitted.

C. WARRANTS
Warrant Nos. 133721 to 134008 in the amount of $2,764,380.81 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 123777, 126423, 128922, 133719 and 127274 were canceled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ENTERTAINMENT LICENSE
Resolution No. 2007-50 was adopted approving an Entertainment License for Los Tres Amigos Herrera at 1127 West Main Street, Suite G & H, to allow televised sporting events on Sunday through Saturday from 10:00 a.m. to 2:00 a.m.

Resolution No. 2007-50 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ENTERTAINMENT LICENSE FOR LOS TRES AMIGOS HERRERA.

F. COMMERCIAL FAÇADE REBATE/LOAN PROGRAM

Resolution No. 2007-51 was adopted approving the expansion of the eligible service area for the Commercial Façade Rebate/Loan Program.

Resolution No. 2007-51 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE EXPANSION OF THE ELIGIBLE SERVICE AREA FOR THE COMMERCIAL FAÇADE REBATE/LOAN PROGRAM.

G. CALL FOR BIDS

Council gave approval to call for bids on the plans and specifications for Betteravia Road and Blosser Road Signal Interconnection and East Betteravia Road Widening, Bid No. 2007/05.

H. CALL FOR BIDS

Council gave approval to call for bids on the plans and specifications for Hanson Way Reconstruction – Stowell Road to West Main Street, Bid No. 2007/07.

I. CALL FOR BIDS

Council gave approval to call for bids on the plans and specifications for McClelland/Morrison Reconstruction and McClelland Underground Improvements, Bid No. 2007/09.

J. NO STOPPING ZONES

Resolution No. 2007-52 was adopted approving the establishment of No Stopping Zones on Miller Street at Sunset Avenue.

Resolution No. 2007-52 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA ADOPTING NO STOPPING ZONES ON MILLER STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

K. LANDSCAPE AND IRRIGATION STANDARDS

Resolution No. 2007-53 was adopted approving updates and revisions to the Recreation and Parks Department Landscape and Irrigation Standards and establishing these standards as the City's policy document for the implementation of Chapter 12.44 of the Santa Maria Municipal Code for the purposes of public landscape improvements.

Resolution No. 2007-53 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE RECOMMENDATION OF THE RECREATION AND PARKS COMMISSION FOR THE ADOPTION OF THE UPDATED LANDSCAPE AND IRRIGATION STANDARDS.

ZONING TEXT AMENDMENT Z-2007-001

Director of Community Development Lindsey gave the staff report. The City Council will consider a recommendation from the Planning Commission regarding a negative declaration and a proposed ordinance amending Chapter 13 of Title 12 of the Municipal Code (C-2, General Commercial District) to allow an increase in the height limit of buildings from three stories or forty feet (whichever is less) to up to seventy feet in all C-2 zoning districts and amending setback requirements, Z-2007-001, E-2007-008. This change is in response to recommendations by the development community and Community Development staff. The amendments to the height limit and setbacks of buildings or structures in the C-2 zoning district are intended to give the Planning Commission and development community more flexibility in the architectural design of structures. There is a pending project with two motels which drove this application for a text amendment. On March 7, 2007, the Planning Commission adopted Resolution No. 2458 recommending that the City Council file a Negative Declaration for Zoning Text Amendment Z-2007-001, E-2007-008, and Resolution No. 2459 recommending that the

City Council adopt an ordinance amending Title 12, Chapter 13, of the Municipal Code pertaining to the C-2 Zoning District. Both resolutions were adopted on a 5-0 vote.

Mayor Lavagnino asked if the motel project had been waiting for this Zoning Text Amendment to be approved.

Director Lindsey replied that it had.

Mayor Lavagnino announced that a letter was received from David Ericson expressing concern that additional and expensive Fire equipment may be needed in the future and was not included in the Fiscal Impact statement of the staff report.

Fire Chief Ortiz indicated the Fire Department would be interested in looking at any project that was over 40 feet in height, and certainly over 70 feet in height. The Department will look at the projects on a case-by-case basis, and they would look at mitigating factors. Those mitigating factors would have to take care of fire problems, smoke problems, or even panic problems. There may be more stringent, fixed fire protection requirements or smoke prevention requirements depending on the project and the type of construction.

Mayor Lavagnino opened the public hearing.

Bill Orndorff, representative for the motel project, stated it was his client's project that created the need for this amendment. It includes two motels on North Broadway just south of the Holiday Inn. One would be a Fairfield Inn by Marriott of 88 rooms, 4 stories, and the other is a Candlewood Suites Hotel which is 72 rooms. The hotels would be beneficial to the City. The buildings are basically 38 feet high, but a lot of architectural elements were included into the design which made the buildings about 65 feet high.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Orach stated he knew there were some projects waiting for the Downtown Specific Plan to be approved and asked if the increased setback would apply to mixed uses in the Downtown area if residential units were built on top of commercial businesses.

Director Lindsey explained that the setback was determined by the zoning district and not the land use. Mixed uses were not precluded by the ordinance.

Councilmember Trujillo stated he thought it was important that the City get up to speed with what other cities were doing; however, his concern was with parking. He said he wanted to make sure the building owners provide adequate parking.

Mayor Lavagnino stated in some cities like Palm Desert, the parking is hidden. He suggested the City look at ways to make parking less intrusive to the eye.

Resolution No. 2007-54 was adopted authorizing the filing of a Mitigated Negative Declaration of Environmental Impact, E-2007-008, on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-54 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, FINDING NO DETRIMENTAL ENVIRONMENTAL IMPACT AND DIRECTING THE FILING OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT REGARDING AMENDMENTS TO CHAPTER 13 OF TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, E-2007-008.

Ordinance No. 2007-05 was introduced amending Chapter 13 of Title 12 of the Municipal Code relating to height in the C-2 Zone to be introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-05 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTERS 12-13.09 AND 12-13.11 OF THE SANTA MARIA MUNICIPAL CODE, PERTAINING TO BUILDING HEIGHT AND SETBACKS.

2007 ANNUAL WEED ABATEMENT PROGRAM

Director of Public Works/City Engineer Whitehead gave the staff report. On March 20, 2007, the City Council adopted Resolution No. 2007-36 commencing the 2007 Annual Weed Abatement program and setting this meeting as the date to hear objections regarding the abatement of weeds, rubbish, refuse, and dirt from certain properties. The Streets and Facilities staff mailed 127 abatement letters to owners of 160 properties. The purpose of the letter was to make certain the property owners were aware that property they own required appropriate maintenance. The property owners were given the opportunity to sign and return the letter indicating they would abate the weeds from their property and continually maintain it.

Councilmember Patino asked if some of the people who sign the agreement to abate their properties, do not do the work.

Director Whitehead said if the property owner did not abate the nuisance, the City's contractor would do the work and the property owner would be billed on their property tax bill.

Councilmember Patino stated that the staff report says "the property owners who benefit by the City clean-up of their properties bear the primary costs of the program" and asked what that meant.

Director Whitehead stated that would be the total cost of the abatement of that property.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2007-55 was adopted overruling objections to the annual weed abatement program on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-55 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, OVERRULING OBJECTIONS TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE, AND DIRT PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the May 1, 2007, City Council meeting including seven proclamations, a public hearing for the Growth Mitigation Fee Update, the Quarterly Financial Report, and the CDBG final allocations and 2007-08 Action Plan.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Patino reported on attending the Strawberry Growers Recognition Dinner. There is now 7,800 acres of strawberries in the Santa Maria Valley. They had to turn people away because the facility was not large enough.

Mayor Lavagnino reported on a meeting with Congresswoman Capps and Congressman Visclosky, Chairperson of the Water and Energy Appropriations Committee, to talk about the Santa Maria Levee. Congressman Visclosky was very concerned with the fact that 80 percent of the City would be in the floodplain with 17,000 homes and 20,000 parcels impacted.

Councilmember Zacarías reported that she also had a conversation with some of Congresswoman Capps' staff to say how diligently they are working. The Strawberry Grower Recognition Dinner was magnificent. It was started in 1993 with 168 people. Seventeen years later, it is still going strong. For every acre of berries, they average two workers. The 7,800 acres translates to 15,600 workers required to produce the strawberries. For 90 percent of them, their start time for work was delayed about six weeks. She thanked the City, the community, and the staff who have been participating in the disaster response. The Saint Vincent De Paul Society reported this past week that they were able to bring in an additional $40,000 in donations from their office in Los Angeles for this relief effort. She hoped that the City Council would support the creation of a VOAD (Voluntary Organizations Activated in Disasters) which partners with the structures the City has in place to bring organizations together. United Way has agreed to provide leadership for that.

Councilmember Trujillo stated he had just gotten the renewal for his flood insurance for his house, and it was $317 which was the price quoted by FEMA. He encouraged residents of the City to purchase the flood insurance now before the floodplain maps were finalized.

CLOSED SESSION

Council recessed to Closed Session at 7:40 p.m. for Conference with Labor Negotiator pursuant to Section 54957.6 of the Government Code; Agency representative: Assistant City Manager; Employee organization: Santa Maria Police Officers Association (SMPOA).

After the Closed Session, the following was announced:

Conference with Labor Negotiator: SMPOA - Direction to staff was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:25 p.m. by order of Mayor Lavagnino in memory of Diane Kistler, who recently passed away. She was a Director for the National Management Association and the local advisor for the City's Employees Chapter of the National Management Association for many years.

APPROVED

5-1-07
Date

ATTEST

Chief Deputy City Clerk

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council.

Mayor of the City of Santa Maria